IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19944 of 2004

Between:

1 P.Venkata Rao, S/o.Pullaiah,
C/o.Venkata Durga Lorry office, Main Road,
Akividu, W.G.Dist.
2 Ganta Satyanarayana, S/o.Ramamurthy,
Main Road, Akividu, W.G.Dist.
3 Adapa Srinivasa Rao, S/o.Vishni Murthy,
Main Road, Akividu, W.G.Dist.
4 Pinnamaraju Rayapa Raju, S/o.Venkata Rao,
Dumpagadapa village, Akividu Mandal, West Godavari Dist.
5 Bedvel Narasimha Reddy, S/o.Guvaver Reddy,
C/o.Chandu Automobiles, Akividu Mandal, West Godavari Dist.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep.by Superintendent Engineer, NH,
Vizianagaram, Vizianagaram Dist.
2 The Chief Engineer (NH) Erramanzil, Hyderabad.
3 The Executive Engieer (R&B), NH, Kakinada E.G.Dist.
4 The District Collector, West Godavari District, Eluru.
5 National Highway Authority, rep.by its Secretary, Ministry of Road
Transport, Highways Transport, Parliament Street, New Delhi.
6 General Manager, Reliance India Ltd., (Petroleum business), 201,
Lakshmi Towers, 2nd floor, Rajbhavan Road,
Somajiguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 to 5 granting permission to the 6th respondent as illegal, arbitrary and unenforceable and consequently direct the 6th respondent from proceeding further to construct and commission of retail outlet near by the petitioner petrol bunk in R.S.No.320/12 & 320/13 at Akividu, West Godavari District.

Counsel for the Petitioners:MR.S.U.V.SRINIVAS

Counsel for the Respondents 1 to 4: GP FOR ROADS & BUILDINGS

Counsel for the Respondent No.5: MR.S.S.VARMA

Counsel for the Respondent No.6:MR.D.SESHADRI NAIDU

The Court, at the stage of admission, made the following :

ORDER

The writ petition, filed by the petitioners, is misconceived since the petitioners, who are the owners of lorries mentioned in the writ affidavit and doing business in transport, do not have any right to park their vehicles on the side of the national highway. The alleged HP Dealer has rightly objected for keeping the lorries in front of the filling station. It is contended that the proposed new fuel station is going to be set up within the 50 meters distance from the already existing H.P. Station and the same is contrary to the instructions and norms issued by the National Highway Authority. If that be the case, the petitioners can approach the concerned Ministry ventilating their grievance and requesting not to permit such filling station contrary to the guidelines, if any.

The writ petition is devoid of merits and the same is dismissed. No costs.

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A. GOPAL REDDY. J.

1st November, 2004

tsr.

To

1 The Superintendent Engineer, NH, Government of Andhra Pradesh, Vizianagaram, Vizianagaram Dist.
2 The Chief Engineer (NH) Erramanzil, Hyderabad.
3 The Executive Engieer (R&B), NH, Kakinada E.G.Dist.
4 The District Collector, West Godavari District, Eluru.
5 The Secretary, National Highway Authority, Ministry of Road Transport, Highways Transport, Parliament Street, New Delhi.
6 General Manager, Reliance India Ltd., (Petroleum business), 201, Lakshmi Towers, 2nd floor, Rajbhavan Road, Somajiguda, Hyderabad.

7. Two CCs to Government Pleader for Roads & Buildings, High Court Buildings, Hyderabad. (OUT).

8 Two CD copies.